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## Report of Findings

Jenkins & Stiles, LLC/McKinney Construction Accident Evaluation  
Claim Number: 2272494

Rimkus Matter No: 100068222

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March 13, 2023

## **Section II**

### **CONCLUSIONS**

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1. Mr. McKinney bears responsibility for the incident for leaving the safe area at the driver's side truck fender and entering the fall zone when he was fully aware of ongoing offloading activities and had verbally communicated with Mr. Kennedy to proceed with the unloading.
2. In Mr. McKinney's position at the driver's side rear fender of the truck, Mr. McKinney was able to safely view the fall zone and verbally warn Mr. Kennedy of a pedestrian transiting the fall zone, acting as a spotter.
3. The front tips of the forklift forks contacted the bottom of the 4-1 bundle along its eastern edge during the offloading activities. When contacted by the forklift forks, the two bundles on the west side of the trailer were moved to the west to the extent that the center of gravity was near but had not passed over the east edge of the trailer. As Mr. Kennedy lifted the three bundles on the east side of the trailer, the reduced load on the trailer caused the trailer to shift with sufficient force or displacement to cause the center of gravity to shift past the edge of the trailer and toppled the two bundles on the west side of the trailer. Mr. Kennedy bore responsibility for the incident by allowing the forklift forks to contact and move the west two bundle stacks during the offloading activities.
4. Lifting of the three bundles was within the capacity of the rough-terrain forklift utilized in the off-loading as required by regulations and industry standards.
5. The method used to gauge the engagement of the forks with the load prior to the bundles being lifted from the trailer as described in Mr. Kennedy's deposition was consistent with industry standard practices.
6. The methods utilized in the offloading were within the applicable TOSHA and OSHA regulations, the applicable ANSI 56.6 Safety Standard for Rough Terrain Forklift Trucks, and standard construction industry practices.